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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,190	08/27/2003	Yusuke Yasukawa	1080.1128	3483

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EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT PAPER NUMBER

2614

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/648,190	Applicant(s) YASUKAWA ET AL.	
	Examiner Hemant Patel	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 16, 2006 has been entered. Claims 1, 3-7 are pending in this application.

Response to Amendment

2. Applicant's arguments with respect to claims 1, 3-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 1 (ll. 5-6) recites "a storing section which stores telephone numbers respectively associated with priority sequences, designation modes and messages". Since telephone numbers are respectively (i.e. specified order) associated with different elements, it is not clear which telephone number is associated with which element. Also, individual element specifies

priority sequences i.e. multiple priorities, designation modes i.e. multiple modes, and messages i.e. multiple messages. It is not clear if each telephone number when associated with individual element involves associating with multiple priorities or designation mode or messages. The Office interprets it as storing telephone numbers and each individual telephone number is associated with a set of a priority, a designation mode and a message. The Applicant is requested to make necessary corrections and clarification in a next communication in response to this Office Action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 3, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakita (International Publication No. WO 99/67067), and further in view of Klein (US Patent No. 6,064,303), and further in view of Nojima (US Patent No. 5,933,080).

Regarding claim 1, Kawakita teaches of a robot including a moving mechanism for causing the robot to move freely, comprising:

a communication section (Fig. 2, item 25) which wirelessly (paragraph 0076, cordless telephone, paragraph 0211, mobile phone) connects to a communication line;

a detection section (Fig. 2, item 20, controller), which detects a plurality of user requests provided by a user (paragraph 0078, 0087-0088, request for visually express different words);

a storing section (Fig. 2, item 20, paragraph 0043, memory in controller) which stores a message (paragraph 0221, response message) and associated telephone number (paragraph 0149, previously registered family or hospital); and

a telephone control section (Fig. 2, item 20, controller) which causes the communication section (Fig. 2, item 25) to dial the telephone number stored in the storing section (paragraph 0149, previously registered family or hospital) in response to the detection section detecting the request (paragraph 0149, detection of absence of reaction) provided by the user, and then delivers the message stored in the storing section (paragraph 0221, response message) as a voice message to a receiver when the receiver responds.

Kawakita does not teach of a plurality of messages respectively associated with the plurality of telephone numbers and the telephone control section dialing a telephone

number according to a mode of request detected by the detection section, and delivering a message associated with the dialed telephone number.

However, in the same field of endeavor, Klein teaches of a user (surveillance, “user” defined as “one that uses” according to The American Heritage College Dictionary, 4th edition, ISBN 0-618-45300-8, pg. 1510) using a system with a plurality of messages associated with a plurality of telephone numbers (Fig. 6, item 604, telephone #) and dialing a telephone number according to a mode of request (Fig. 6, item 602, intruder, fire, vandalism etc.) and delivering a voice message associated with dialed telephone number (Fig. 6, item 606, message, .wav files).

It would have been obvious to a person of ordinary skill in the art to modify a robot as taught by Kawakita to include a plurality of telephone numbers with respective plurality of messages as taught by Klein in order to deliver a message specific to a detected event to a responsible called party (Klein, col. 7, ll. 51-52, ll. 62-67, different messages to different destinations to respond to different conditions).

Kawakita and Klein do not teach of associating priority to different contacts to be notified.

However, in the same field of endeavor, Nojima teaches of an emergency calling system wherein individual contact telephone number is associated with a priority to report an individual emergency message (col. 4, ll. 15-46; col. 5, ll. 55-58).

It would have been obvious to a person of ordinary skill in the art to modify a robot as taught by Kawakita and Klein to assign priorities to multiple contacts in case of emergency as taught by Nojima in order “to select an emergency contact according to

the circumstances of the accident” (Nojima, col. 1, ll. 47-48) and perform “an emergency call to a plurality of emergency contacts in an order of priority according to the vehicle station’s present location” (Nojima, col. 1, ll. 63-65).

Regarding claim 3, Kawakita discloses a robot, further comprising a microphone (Fig. 1, item 10) and a speaker (Fig. 1, item 11), and wherein the telephone control section causes, after delivering the message to the receiver (Paragraphs 0079 – 0082, transmitting sound and images), the communication section to be in a state of communication using the microphone and the speaker (Paragraphs 0084, staying in video telephone conversation).

Regarding claim 7, Nojima discloses delivering of emergency message according to priority associated with a contact and a method (mode) associated with a contact (col. 4, ll. 29-31, time of day; col. 5, ll. 55-58, method of delivering a message).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakita, Klein and Nojima as applied to claim 1 above, and further in view of Dutta (US Patent Application Publication No. 2002/0137489 A1).

Regarding claim 4, Kawakita teaches of receiving an email message.

Klein teaches of sending message as part of a voice call or fax.

Kawakita, Klein and Nojima do not teach of transmitting email message.

However, in the same field of endeavor, Dutta teaches of storing emergency notification message with associated email destination address(es) (Fig. 8, item 828; Paragraph 0044).

It would have been obvious to a person of ordinary skill in the art to modify a robot as taught by Kawakita, Klein and Nojima to store emergency notification message and send as an email as taught by Dutta in order to provide the emergency message according to the recipient.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakita, Klein, Nojima and Dutta as applied to claim 4 above, and further in view of Shavit (US Patent Application Publication No. 2002/0160757 A1).

Regarding claim 5, Kawakita, Klein, Nojima and Dutta do not teach of first dialing a telephone number for emergency message notification and if no response is received from the receiver, transmit an email message.

However, in the same field of endeavor, Shavit teaches of first trying telephone number (Fig. 5, step 64) and if no response is received (Fig. 5, step 76) then eventually transmitting an email message (Fig. 5, step 92).

It would have been obvious to a person of ordinary skill in the art to modify a robot as taught by Kawakita, Klein, Nojima and Dutta to first notify with a phone call and if not successful with a call then notify with an email message as taught by Shavit in order to provide the emergency message according to the possibility of recipient response. The recipient becomes aware of ringing phone and responds to it immediately. The recipient becomes aware of email only if he/she is logged into the system and even after that may not respond to email immediately. Thus it is advantageous to try a method that draws recipient response quickly.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakita, Klein and Nojima as applied to claim 1 above, and further in view of Kataoka (US Patent Application Publication No. 2002/0181723 A1).

Regarding claim 6, Kawakita teaches of a robot, further comprising:

a microphone (Fig. 1, item 10);

a voice recognition section (Paragraphs 0087-0088, recognize speech)
recognizing requests (Paragraph 0212); and

a movement control section (Fig. 2, item 20).

Kawakita, Klein and Nojima do not teach of recognizing that the robot is called based on a voice received by the microphone and moving the robot closer to a speaker who is calling the robot.

However, in the same field of endeavor, Kataoka teaches of a means for controlling a robot to move naturally upon its motion in voice recognition (paragraph 0017).

It would have been obvious to a person of ordinary skill in the art to modify a robot as taught by Kawakita, Klein and Nojima to include a means of moving a robot in response to voice recognition as taught by Kataoka in order to recognize sound of the person being monitored (Kawakita, Paragraph 0147) and move closer to that person (Kawakita, Paragraphs 0148-0149) upon recognition of request (Kawakita, Paragraph 0212).

Conclusion

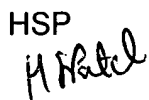
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant Patel
Examiner
Art Unit 2614

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